



## Town of Middletown Planning Department

350 East Main Rd., Middletown RI 02842 (401) 849-4027

To: Paul A. Croce, Chairman  
Planning Board members

From: Ron Wolanski, Town Planner

Date: October 6, 2021

Re: **Public Hearing** – Application of Juan Campos for Preliminary Plan approval of a 5-lot subdivision including extension of an existing town road. The property is located at the end of Serenity Drive, with frontage also on Maidford River Road, and is identified as Tax Assessor's Plat 120, Lots 68-A & 68-B.

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**The Technical Review Committee (TRC) met on September 1, and October 6, 2021, but has not yet completed its review. The applicant is working to address engineering comments and resolve a legal question relating to the need to have a portion of Serenity Drive abandoned. The applicant's attorney has requested a continuance to the November 10, 2021 Planning Board meeting.**

The applicant is requesting Preliminary Plan approval for the 5-lot conventional subdivision of approximately 318,972 sq.ft. of developable land. The property is in the R-40 zoning district. In March of 2020 the Planning Board granted Master Plan approval of the 5-lot conventional subdivision including a waiver to construct a 350-foot extension of Serenity Drive which will be 22-feet wide where 26-feet is required by Town regulations. This configuration would provide the required street frontage for all five lots of the conventional design. The proposed road would terminate in a 90-foot cul-de-sac partially on private property. No connection to Maidford River Road is proposed.

It appears that the proposed lots would meet the dimensional requirements of the Middletown Zoning Ordinance, including the minimum lot area of 40,000 sq.ft., and minimum frontage of 150 feet, or 50 feet on a cul-de-sac turnaround. The lots would be served by and public water and sewer. There are wetlands located on proposed lots 1 and 3.

The application was referred to the appropriate departments and committees for final comments. The Middletown Tree Commission responded with no concerns. The Newport Water Department sent a letter dated June 28, 2021, indicating that the proposed water main as presented is not acceptable, however a preliminary water availability letter was issued.

The Middletown Technical Review Committee (TRC) reviewed the application on September 1, 2021 but did not complete its review, and the matter was continued from the October 6<sup>th</sup> meeting. Recommendations and conditions from the TRC will be forwarded to the planning board once the TRC review is complete.

**DRAFT Recommended conditions of preliminary plan approval:**

1. Prior to final plan approval the maintenance and sewer easements must be reviewed and approved by the Town Solicitor

2. Prior preliminary plan approval repayment of development plan review fees must be submitted
3. Prior to final plan approval a landscape maintenance plan including a schedule of initial and ongoing activities to be undertaken by the property owner, homeowners association or other appropriate party if a landscape plan is proposed, as required by [§523](#)

**Required findings** (Subdivision rules and regulations section 403):

The following is a list of the required findings the Board must make in approving a subdivision. The Board should make its own conclusions as to the consistency of the plan with these findings.

1. The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies;
2. The proposed development is in compliance with the standards and provisions of the Town Zoning Ordinance
3. There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions of approval;
4. The subdivision, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. (See definition of Buildable lot). Lots with such physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans;
5. All proposed land developments and all subdivision lots shall have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered compliance with this requirement.

**The Preliminary Plan application was certified complete on June 16, 2021. The Planning Board must complete its review and render a decision within 90 days of certificate of completeness: September 14, 2021. With the applicant's request to continue the matter until the November Planning Board meeting in order to complete TRC review, the deadline is extended to November 10, 2021. Unless a further continuance is agreed to by the applicant, action must be taken by that date.**

Please contact me with any questions regarding this matter.

Cc: Applicant  
Town Solicitor